

1 BILL NO. Z-86-07-20

2 ZONING MAP ORDINANCE NO. Z- 12-86

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. N-31,  
5 N-35, O-31 & O-35.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
7 FORT WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is  
9 hereby designated an RA (Suburban Residential) District  
10 under the terms of Chapter 33 of the Code of the City of  
11 Fort Wayne, Indiana of 1974:

12 Part of the Southwest Quarter of Section 36, Township  
13 30 North, Range 12 East, Allen County, Indiana, more  
14 particularly described as follows:

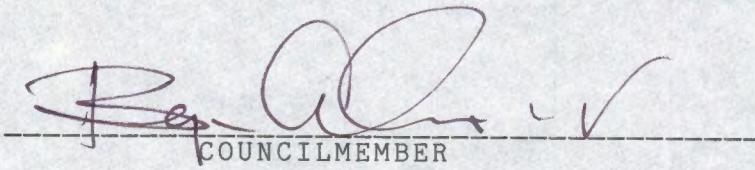
15 Beginning at the Northeast corner of the Southwest  
16 Quarter of Section 36, Township 30 North, Range 12  
17 East, Allen County, Indiana; thence South along the  
18 East line of the SW 1/4 of Sec. 36-30-12, a distance of  
19 2460.0 feet; thence West with a deflection angle to the  
20 right of 89 degrees 35 minutes 40 seconds a distance of  
21 1314.0 feet to a point on the West line of the E 1/2 of  
22 the SW 1/4 of Sec. 36-30-12; thence North with a  
23 deflection angle to the right of 90 degrees 19 minutes  
24 and along the West line of the E 1/2 of the SW 1/4 of  
25 Sec. 36-30-12, a distance of 1148.0 feet; thence West  
26 with a deflection angle to the left of 90 degrees 22  
minutes 30 seconds along the South line of the N  
1/2 of the SW 1/4 of Sec. 36-30-12, a distance of  
656.34 feet; thence North with a deflection angle to  
the right of 90 degrees 27 minutes 50 seconds a  
distance of 914.0 feet; thence East with a deflection  
angle to the right of 89 degrees 38 minutes and  
parallel to the North line of the SW 1/4 of Sec.  
36-30-12, a distance of 1722.12 feet; thence North with  
a deflection angle to the left of 89 degrees 38  
minutes and parallel to the East line of the SW 1/4 of  
Sec. 36-30-12, a distance of 400.0 feet to a point on  
the North line of the SW 1/4 of Sec. 36-30-12; thence  
East with a deflection angle to the right of 89 degrees  
38 minutes along the North line of the SW 1/4 of Sec.  
36-30-12, a distance of 250.0 feet to the point of  
beginning, containing 78.28 acres,

27 and the symbols of the City of Fort Wayne Zoning Map N-31,  
28 N-35, O-31 and O-35, as established by Section 11 of Chapter  
29 33 of the Code of the City of Fort Wayne, Indiana are hereby  
30 changed accordingly.

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1  
2 SECTION 2. That this Ordinance shall be in full force  
3 and effect from and after its passage and approval by the  
4 Mayor.

5   
6 COUNCILMEMBER

7 APPROVED AS TO FORM AND LEGALITY:  
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9 BRUCE O. BOXBERGER, CITY ATTORNEY  
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Fox River Bond  
25/08/2010

Read the first time in full and on motion by Eisbart  
seconded by Henry, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M..

DATE: 7-22-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart  
seconded by Shaw, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	—	—	—	—
<u>BRADBURY</u>	<u>✓</u>	—	—	—	—
<u>BURNS</u>	<u>✓</u>	—	—	—	—
<u>EISBART</u>	<u>✓</u>	—	—	—	—
<u>GiaQUINTA</u>	<u>✓</u>	—	—	—	—
<u>HENRY</u>	<u>✓</u>	—	—	—	—
<u>REDD</u>	<u>✓</u>	—	—	—	—
<u>SCHMIDT</u>	<u>✓</u>	—	—	—	—
<u>STIER</u>	<u>✓</u>	—	—	—	—
<u>TALARICO</u>	<u>✓</u>	—	—	—	—

DATE: 9-23-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-12-86  
on the 23rd day of September, 1986

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the 24th day of September, 1986  
at the hour of 11:00 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 24 day of September  
1986, at the hour of 3:00 o'clock P. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

## RECEIPT

COMMUNITY DEVELOPMENT &amp; PLANNING

No 1107

FT. WAYNE, IND.

19

86

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

DOLLARS

100

AUTHORIZED SIGNATURE

Occidental Develop L.D. \$ 50.00

fifty 00

on account of R.P.

R.P.

## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATEI/We Merak Corporation, an Indiana corporation whose address is 2400 Fort  
(Applicant's Name or Names)Wayne National Bank Building, Fort Wayne, Indiana 46802  
do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne  
Indiana, by reclassifying from a/an \_\_\_\_\_ District to a/an R/A  
District the property described as follows:Approximately 78.28 acres located at the terminus of Hanna Street in a  
part of the Southwest Quarter of Section 36, Township 30 North Range 12  
East, Allen County, Indiana and more particularly described on EXHIBIT "A"  
attached hereto.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

one hundred

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one-  
percentum (51%) or more of the property described in this petition.(100%)  
Merak Corporation2400 Fort Wayne National  
Bank Building  
Fort Wayne, Indiana 46802*Maclyn T. Parker*  
Secretary

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Maclyn T. Parker

(Name)

(Address &amp; Zip Code)

424-8000

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning  
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,  
Fort Wayne, IN 46802 (PHONE: 219/427-1140).Applicants, Property owners and preparer shall be notified of the Public Hearing  
approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

See attached EXHIBIT "A"

Owners of Property

Merak Corporation

2400 Fort Wayne National  
Bank Building  
Fort Wayne, Indiana 46802

*Ward T Parker*  
Secretary

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.

ATTACHMENT TO A PETITION FOR ZONING ORDINANCE AMENDEMENT  
DATED \_\_\_\_\_, 1986.

EXHIBIT A

Part of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of the Southwest Quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana; thence South along the East line of the SW 1/4 of Sec. 36-30-12, a distance of 2460.0 feet; thence West with a deflection angle to the right of 89 degr. 35 min. 40 sec. a distance of 1314.0 feet to a point on the West line of the E 1/2 of the SW 1/4 of Sec. 36-30-12; thence North with a deflection angle to the right of 90 degr. 19 min. and along the West line of the E 1/2 of the SW 1/4 of Sec. 36-30-12, a distance of 1148.0 feet; thence West with a deflection angle to the left of 90 degr. 22 min. 30 sec. along the South line of the N 1/2 of the SW 1/4 of Sec. 36-30-12, a distance of 656.34 feet; thence North with a deflection angle to the right of 90 degr. 27 min. 50 sec. a distance of 914.0 feet; thence East with a deflection angle to the right of 89 degr. 38 min. and parallel to the North line of the SW 1/4 of Sec. 36-30-12, a distance of 1722.12 feet; thence North with a deflection angle to the left of 89 degr. 38 min. and parallel to the East line of the SW 1/4 of Sec. 36-30-12, a distance of 400.0 feet to a point on the North line of the SW 1/4 of Sec. 36-30-12; thence East with a deflection angle to the right of 89 degr. 38 min. along the North line of the SW 1/4 of sec. 36-30-12, a distance of 250.0 feet to the point of beginning, containing 78.28 acres. *f*

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION .

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-07-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 22, 1986.

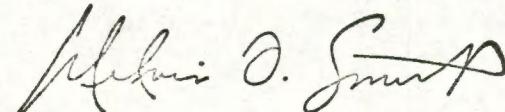
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting with the Condition that the property be annexed prior to granting a change of zone.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 25, 1986.

Certified and signed this  
8th day of September 1986.

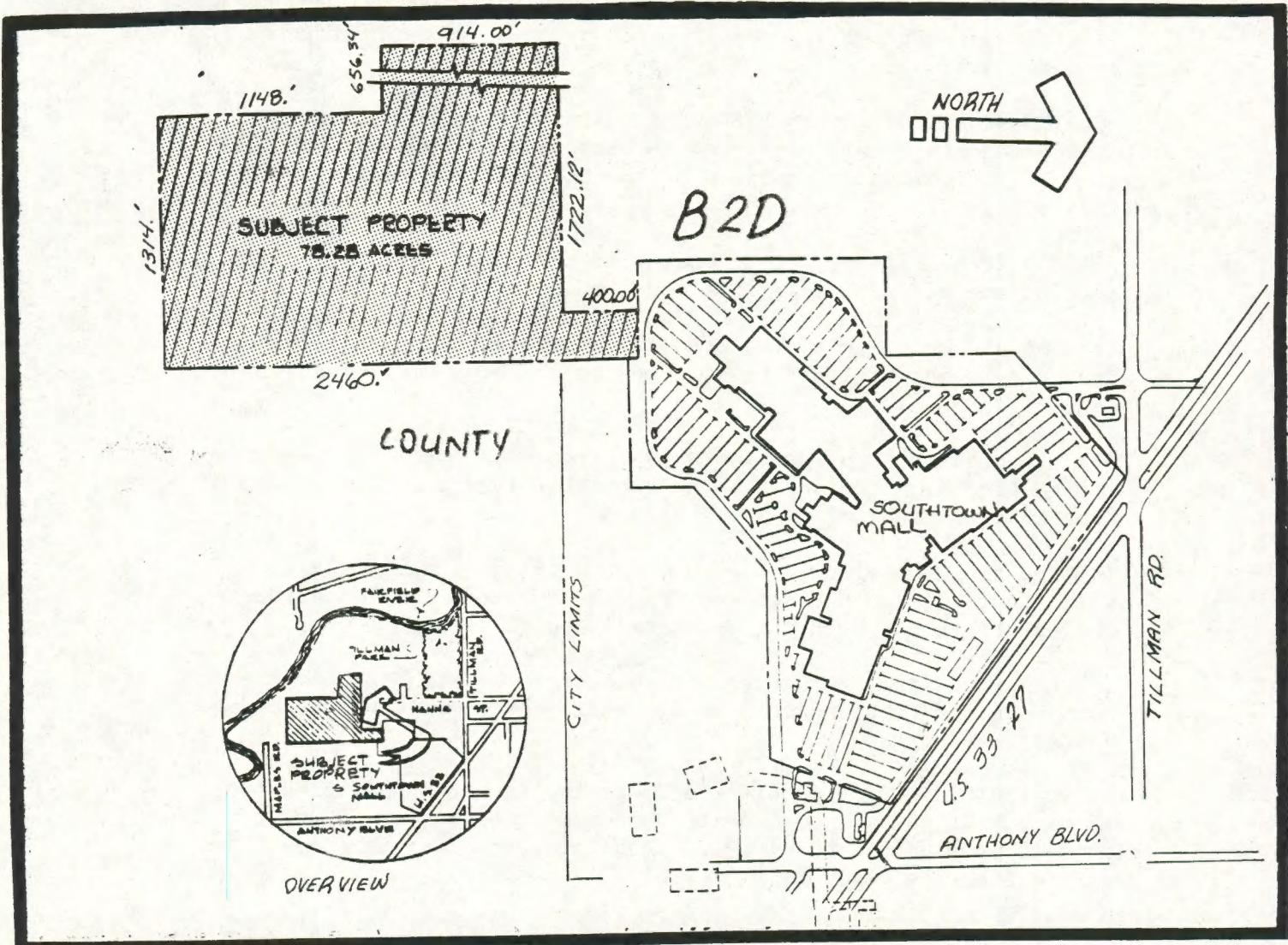


Melvin O. Smith  
Secretary

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING  
THE DESCRIBED PROPERTY FROM AN R.S.I. DISTRICT TO AN R.A. DISTRICT

MAP NO. N-31, N-35 O-31, O-35

COUNCILMANIC DISTRICT NO. 5



**ZONING:**

B2D REGIONAL SHOPPING CENTER

**LAND USE:**

COMMERCIAL

**SCALE:** NOT TO SCALE

**DATE:** 7-1-86

# Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE	APPROVAL DEADLINE	REASON																
Zoning Ordinance Amendment																		
County RS-1 to RA																		
<b>DETAILS</b> <b>Specific Location and/or Address</b> <p>A parcel of land located south of and adjacent to Southtown Mall.</p>																		
<b>Reason for Project</b> <p>The development of an apartment complex consisting of twenty-seven 2½ and 3-story buildings, each housing between 24 and 36 units.</p>																		
<b>Discussion (Including relationship to other Council actions)</b> <p>18 August 1986 - Public Hearing</p>																		
<p>The next item on the agenda was an item deferred from the July session regarding Bill #Z-86-07-02, a change of zone from an RS-1 to an RA which is a parcel located south of Southtown Mall. The agent for Edward Rose of Indiana, Jerry Speedy, was present to explain his views on the case. The prospective owners of the property were also present. Mr. Speedy showed members a map illustrating the surrounding area, a site inventory and a site plan. He explained the proposed use of the land should it be rezoned. Exact building measurements and specifications were discussed. Questions from the members about water saving devices were answered. Members were requesting that the developers get DNR approval. It was stated that 1,470 people will reside in the community when it is fully developed. Information on tax rates and school systems was given to members. Mr. Martin asked if the developer had received staff comments on the case.</p> <p>Mr. Jim Jackameyer stated that he was located south and east of the property. He was in opposition to the proposal for the following reasons: a) he was not told of the meeting. Staff informed him that the meeting was posted outside the property and in the newspaper in July; b) he was concerned about the water problem in that area. These water problems were discussed. Mr. Jackameyer stated that he would like to see the site plan for this area. He asked about increased traffic volume. This question was addressed in the staff comments.</p> <p>Mr. Eisbart asked for other comments for or against the petition. Mr. Tom Shank from Hanna Street spoke to ask who would pay for the improvements to the street. Mr. Eisbart stated that the developers would pay for the improvements to the street.</p> <p>Mr. Eisbart asked for other comments. None were offered. Members asked further questions of Mr. Speedy about the project. Mr. Eisbart stated that no decision would be taken at this time.</p>																		
<table border="1"> <thead> <tr> <th>POSITIONS</th> <th>RECOMMENDATIONS</th> </tr> </thead> <tbody> <tr> <td>Sponsor</td> <td>City Plan Commission</td> </tr> <tr> <td>Area Affected</td> <td>City Wide  Other Areas</td> </tr> <tr> <td>Applicants/ Proponents</td> <td>Applicant(s) Merak Construction City Department  Other</td> </tr> <tr> <td>Opponents</td> <td>Groups or Individuals  Jim Jackameyer Tom Shank <b>Basis of Opposition</b> -additional water problems in form of runoff -added traffic congestion</td> </tr> <tr> <td>Staff Recommendation</td> <td><input checked="" type="checkbox"/> For      <input type="checkbox"/> Against  Reason Against</td> </tr> <tr> <td>Board or Commission Recommendation</td> <td>By  <input checked="" type="checkbox"/> For      <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to condit (See Details column for condit)</td> </tr> <tr> <td>CITY COUNCIL ACTIONS (For Council use only)</td> <td><input type="checkbox"/> Pass      <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended)      <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub.      <input type="checkbox"/> Do not</td> </tr> </tbody> </table>			POSITIONS	RECOMMENDATIONS	Sponsor	City Plan Commission	Area Affected	City Wide  Other Areas	Applicants/ Proponents	Applicant(s) Merak Construction City Department  Other	Opponents	Groups or Individuals  Jim Jackameyer Tom Shank <b>Basis of Opposition</b> -additional water problems in form of runoff -added traffic congestion	Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against	Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to condit (See Details column for condit)	CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not
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**DETAILS**

26 August 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation with the CONDITION:

"the property be annexed prior to granting a change of zone",

motion carried.

Of the eight members present, 7 voted in favor of approval and one did not vote.

**POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>		

(This space for further discussion)

**Project Start**

**Date** 20 June 1986

**Projected Completion or Occupancy**

**Date** 4 September 1986

**Fact Sheet Prepared by**

Patricia Biancaniello

**Date** 4 September 1986

**Reviewed by**

*Lucy Doctor*

**Date**

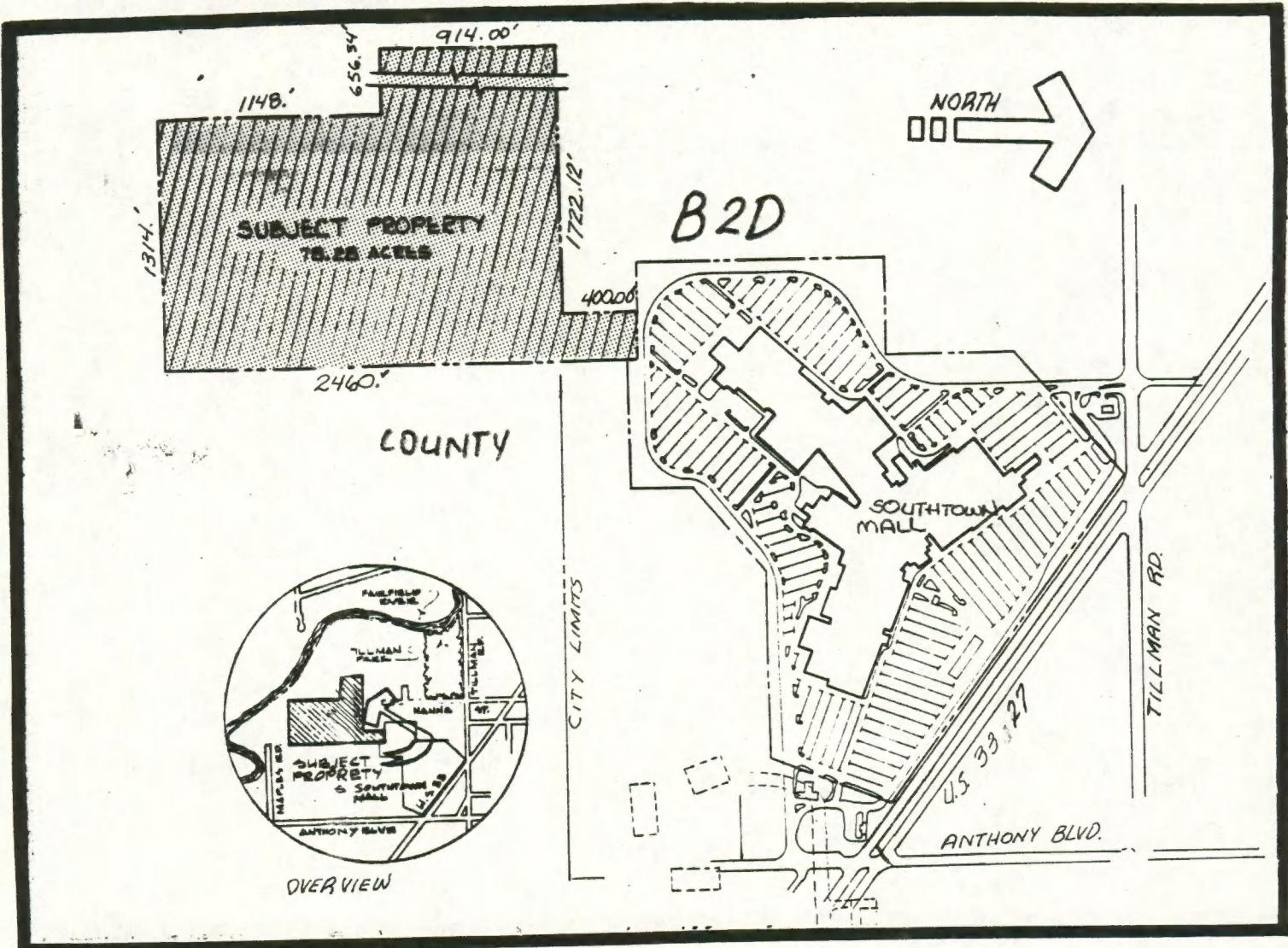
*2 September 1986*

**Reference or Case Number**

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING  
THE DESCRIBED PROPERTY FROM AN B2D DISTRICT TO AN R.A DISTRICT

MAP NO N-31, N-35 O-31, O-35

COUNCILMANIC DISTRICT NO. 5



**ZONING:**

**LAND USE:**

B2D REGIONAL SHOPPING CENTER

COMMERCIAL

**SCALE:** NOT TO SCALE

**DATE:** 7-1-86

COUNCILMANIC DISTRICT No. **ORIGINAL**

## DIGEST SHEET

**ORIGINAL**TITLE OF ORDINANCE Zoning Ordinance AmendmentDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P 3-86-07-20SYNOPSIS OF ORDINANCE A parcel of land located south of and adjacent to Southtown Mall Shopping Center.EFFECT OF PASSAGE Property is presently in the county zoned RS-1 (Plan Commission has been given extra-territorial jurisdiction for this rezoning request). Property will become RA - Suburban Residential - City Zoning.EFFECT OF NON-PASSAGE Property will remain RS-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-86-07-20

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~) (RESOLUTION) amending the City of Fort  
Wayne Zoning Map No. N-31, N-35, O-31 & O-35

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(RESOLUTION)

**YES**

NO

BEN A. EISBART  
CHAIRMAN

JANET G. BRADBURY  
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 9-23-86

SANDRA E. KENNEDY  
CITY CLERK

**DETAILS**

26 August 1986 - Business Meeting

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motion carried.

Of the eight members present, 7 voted in favor of approval and one did not vote.

**POLICY/PROGRAM IMPACT**

Policy or  
Program  
Change

 No Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 20 June 1986

**Projected Completion or Occupancy**

**Date** 4 September 1986

**Fact Sheet Prepared by**

**Date** 4 September 1986

Patricia Biancaniello

**Reviewed by**

**Date**

2 September 1986

**Reference or Case Number**